



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

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RE: Land Use Scenarios for the QIP/Virtu Site

The City of Renton has requested input from Washington Department of Fish and Wildlife (WDFW) regarding proposed zoning compatibility of the QIP/Virtu site and the resulting potential impacts to wildlife and wildlife habitat in the Black River Riparian Forest (BRRF) (see attached City of Renton Memorandum regarding Land Use Scenarios for the QIP/Virtu Site; April 4, 2007).

Attached are WDFW's standard management recommendations for bald eagles, as well as great blue herons (more information regarding Priority Species is available at: <http://wdfw.wa.gov/hab/phslist.htm>). These documents are provided as reference and background information. Priority Habitats and Species (PHS) recommendations may be utilized as an aid to the City of Renton to address specific concerns of potential zoning option impacts to these Priority Species, as well as wildlife and wildlife habitat in general found within the vicinity of the BRRF and adjacent QIP/Virtu site.

Bald eagles are considered a Priority Species by WDFW due to their status as a Federally Threatened species under the Endangered Species Act, as well as their categorization as a State Threatened species (WAC 232-12-011) on the Washington State Species of Concern list. Bald eagle habitat is protected through the establishment of habitat buffer zones under RCW 77.12.655, Habitat buffer zones for bald eagles – Rules; as well as the Bald Eagle Habitat Protection Rule under WAC 232-12-292.

Great blue herons are considered a Priority Species by WDFW due to their colonial behavior. Heron colonies are categorized as a vulnerable aggregation. They are considered a State Monitor species and are therefore managed by WDFW, as needed, to prevent them from becoming endangered, threatened, or sensitive. Great blue herons and their nests are protected under WAC 232-12-011, Wildlife Classified as Protected; and RCW 77.15.130, Protected Fish or Wildlife.

The City of Renton Municipal Code outlines protection for Priority Habitats and Species in Chapter 3, Environmental Regulations and Overlay Districts; under section 4-3-050, Critical Areas Regulations; in subsection K. Habitat Conservation.

Wildlife and wildlife habitat at the BRRF are under increasing human-induced pressure, both directly and indirectly, due to the urban location of the park and associated land use and activity patterns surrounding the park. The ultimate effect of this pressure is complex and not completely understood. Although some species of wildlife are known to habituate to various human activities and habitat alterations, a new situation or addition of new

potential disturbance factors may result in considerably different responses (Whittaker and Knight 1998). Various human activities may not pose an impact to wildlife or wildlife habitat as a single factor alone, but rather cumulatively, acting in a synergistic manner with other potentially influential factors.

Tolerance thresholds of human disturbance can vary both among and within species (Erwin 1989, Burger and Gochfield 1991, Klein 1993, Knight and Temple 1995), which opens up a large forum for speculation of the biological consequences. Behavioral response of wildlife to human disturbance has been found to be very specific to a given situation (*sensu* Yalden and Yalden 1990, Knight and Cole 1995, Hill et al. 1997). Behavioral response of various species to human disturbance may not be an accurate measure of the consequences of disturbance (Gill et al. 2001). Proximate measurements involving trends in population density and/or behavioral response of wildlife to potential disturbances may not be a true indication of the final outcome of a specific wildlife population or community under the various natural and human-induced pressures commonly found in urban environments such as the BRRF. Long-term productivity may provide a better indicator of how wildlife populations of concern have adapted to various types of disturbance.

WDFW recommends that management decisions regarding wildlife and wildlife habitat at the BRRF should rely upon the best available science paired with conservative measures, particularly due to the uncertainty and complexity of the various factors that may have a potential to impact the BRRF and associated wildlife. To this end, WDFW recommends wildlife management at BRRF utilize WDFW Priority Habitats and Species recommendations for bald eagles and great blue herons, where applicable. These recommendations identify the needs of these protected species and provide site-specific management recommendations to protect important habitat components that may be impacted by various land use actions in surrounding areas.

To meet the needs of development on the subject site, implementation of timing restrictions regarding any potentially disturbing activities, if short-term in nature (e.g. site and building construction), should be considered.

WDFW recommends that any zoning implemented at the QIP/Virtu site by the City of Renton consider bald eagles, great blue herons, as well as wildlife and their habitat in general. Zoning of the site should support a land use that offers the least amount of overall disturbance and patterns of intrusive human activity to wildlife and wildlife habitat found at BRRF and the subject property. Potential disturbing activities include, but are not limited to: blasting, pile driving, building construction, clearing, grading, etc.

The proposed residential land use outlined on page 2 of the April 4, 2007 City of Renton Memorandum regarding Land Use Scenarios for the QIP/Virtu Site and each of the possible fabrication or research uses (Heavy Industrial Scenarios 2 and 3) discussed on page 3 of that memo would likely provide less potential impact to wildlife and wildlife habitat in the BRRF than would the natural resource extractive use described in Heavy Industrial Scenario 1 on page 3 of the subject memo.

WDFW recommends that any zoning categorization of the QIP/Virtu site consider the following measures to alleviate any potential impacts to wildlife and habitat found within the BRRF and surrounding vicinity:

- Consideration should be made in reference to the alteration any given land use would create regarding regularity, or lack thereof, in patterns of human activities that may be considered disturbing to wildlife. A land use scenario at the QIP/Virtu site that exhibits human activities regular in pattern and minimal in disturbance (e.g. supporting low noise levels) would be most compatible in regards to wildlife.
- WDFW suggests standard Priority Habitat and Species buffer recommendations be used as a spatial definition within which to make further recommendations, including the below timing restrictions. Rational for this is the large size and significance of the heron colony at the regional scale; the presence of a nesting eagle pair within the colony site that may act as a potentially compounding factor of disturbance to the heron colony; and the potential impact of recent and proposed, more wide-scale development of parcels adjacent to the BRRF colony.

- Timing restrictions for site construction including clearing and grading on the QIP/Virtu site should encompass the breeding season of great blue herons (February 15 – July 31). Such a condition should provide that this limitation period may be modified, including being reduced, depending on actual heron activity at the colony within any given year. A request by the applicant to alter this site construction limitation would need to be reviewed by a qualified wildlife biologist and recommendations submitted to WDFW for approval.
- To avoid the possibility that all of the future building construction occur during the heron breeding season on both the QIP/Virtu site and the abutting (previously approved) Sunset Bluff site to the east, City approval for future development of the QIP/Virtu site should be conditioned on a requirement that, until building construction work has been completed on at least 80 percent of the Sunset Bluff lots, building construction work on future lots within the QIP/Virtu site should be prohibited from February 15 to July 31 when herons are actively nesting. Such a condition should provide that this limitation period may be modified, including being reduced, depending on actual heron activity at the colony within any given year. A request by the applicant to alter this building construction limitation would need to be reviewed by a qualified wildlife biologist and recommendations submitted to WDFW for approval.
- Any platting scheme of the QIP/Virtu site should incorporate a habitat buffer zone along the existing steep slope below the edge of the bluff along the QIP Site's south edge. If deemed necessary to prevent conflicts with the existing geogrid-reinforced slope, the existing steep slope should be vegetated with native, drought-resistant shallow rooting shrubs and grasses. A monitoring plan should be incorporated into the planting scheme to ensure proper establishment of vegetation.
- WDFW recommends that the southern portion of the QIP/Virtu site located above the vegetated slope be utilized as an access street if development of this portion of the property is necessary due to proposed land use for the site. All proposed buildings (e.g. residential housing, research facility, fabrication facility) planned for the site should be constructed to the north of this access street. The purpose of such a condition would be to increase the distance between the BRRF and any future buildings on the subject site.
- Appropriate fencing (e.g. ≥ 6 ft vinyl coated chain-link fence) should be installed along the southern portion of the QIP/Virtu development to deter any inappropriate entry of pedestrians into the BRRF in areas not designated as an access point, as well as prevent direct disturbance of wildlife utilizing the protected habitat within the BRRF by humans or any domestic pets associated with the QIP/Virtu site.
- Where appropriate, outdoor lighting of any future development at the QIP/Virtu site should incorporate shielding to reduce glare and avoid any potential adverse impacts to wildlife utilizing the BRRF and the transitional habitat adjacent to the BRRF.
- WDFW recommends further review and project-specific recommendations be made regarding any future land use of the QIP/Virtu site upon finalization of zoning for the site and any corresponding applications submitted for proposed development of the site. This could be accomplished through a site-specific wildlife management plan that considers great blue herons and bald eagles in relation to the proposed use of the site.

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REFERENCES

- Burger J., and M. Gochfield. 1991. Human distance and birds: tolerance and response distances of resident and migrant species in India. *Environmental Conservation* 18(2):158-165.
- Erwin, R. M. 1989. Responses to human intruders by birds nesting in colonies: experimental results and management guidelines. *Colonial Waterbirds* 12:104-8.
- Gill, J. A., K. Norris, and W. J. Sutherland. 2001. Why behavioral responses may not reflect the population consequences of human disturbance. *Biological Conservation* 97:262-268.
- Hill, D., D. Hockin, D. Price, G. Tucker, R. Morris, and J. Treweek. 1997. Bird disturbance: improving the quality and utility of disturbance research. *Journal of Applied Ecology* 34:275-288.
- Klein, M. L. 1993. Waterbird behavioral responses to human disturbances. *Wildlife Society Bulletin* 21:31-39.
- Knight, R. L., and D. N. Cole. 1995. Factors that influence wildlife responses to recreationists. Pages 71-79 in R. L. Knight and K. J. Gutzwiller, editors. *Wildlife and recreationists: coexistence through management and research*. Island Press, Washington, D.C.
- Knight, R. L., and S. A. Temple. 1995. Origin of wildlife responses to recreationists. Pages 81-91 in R. L. Knight and K. J. Gutzwiller, editors. *Wildlife and recreationists: coexistence through management and research*. Island Press, Washington, D.C.
- Whittaker, D., and R.L. Knight. 1998. Understanding wildlife responses to humans. *Wildlife Society Bulletin* 26(2):312-317.
- Yalden, P. E., and D. W. Yalden. 1990. Recreational disturbance of breeding Golden Plovers (*Pluvialis apricarius*). *Biological Conservation* 51:243-262.